

DATE: September 7, 2021

TO: Todd Wyett, Chairman
State Transportation Commission

FROM: Paul C. Ajegba
Director

SUBJECT: **Waiver of Commission Approval**

The projects and descriptions documented in Exhibit A, attached, are contracts between the Michigan Department of Transportation, rail, and passenger transportation. These contracts require approval of the State Transportation Commission (STC). The approximate 8-week delay if Commission approval were deferred to the next STC meeting of November 4, 2021, would result in a delay in transmittal of funds, jeopardize project schedules, and transportation services.

Thus, a waiver of the required Commission approval is requested, as provided in Commission Resolution 79-3, as amended, footnote F:

“If, in the opinion of the Director, the public interest requires that a certain contract be awarded or an agreement be executed prior to approval by the Commission, hereunder, the Director shall seek a waiver of the required approval from the Chairman of the Transportation Commission. If the request of the approval is verbal, the waiver shall be confirmed, in writing, within fourteen (14) days.”

If the waiver is granted, the Department will proceed to execute the items noted above.

Adam Feldpausch
Aug 31 2021 8:41 AM
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Director

The request for waiver of Commission approval of the above-mentioned item is approved.

Todd Wyett, Chairman

Date

REQUEST FOR MICHIGAN STATE TRANSPORTATION COMMISSION APPROVAL

CONTRACTS

September 7, 2021

The following contracts are being submitted for approval. The appropriate documents will be approved by the Attorney General and comply with all legal and fiscal requirements prior to award.

CONTRACTS

1.-2. PASSENGER TRANSPORTATION - Section 5339 Program

The following project authorizations issued under master agreements between MDOT and the following agencies will provide state matching funds for the FY 2020 Federal Section 5339(b) Bus and Bus Facilities Competitive Program grant for transit facility projects, including facility expansion and renovation. The authorizations were approved by the State Transportation Commission on its March 25, 2021, Waiver; however, funding for construction was removed at the request of the Federal Transit Administration. The Federal Transit Administration has now approved the construction work for these two agencies. The authorizations will be in effect from August 13, 2021, through August 12, 2024. The total amount of the authorizations will be \$1,230,000. The terms of the master agreements are from October 1, 2016, until the last obligations between the parties have been fulfilled. The master agreements include authorizations for program years FY 2017 through FY 2021. Source of Funds: Federal Transit Administration Funds - \$984,000; FY 2021 State Restricted Comprehensive Transportation Funds - \$246,000.

	<u>Agreement/ Authorization</u>	<u>Agency</u>	<u>Total</u>
1.	2017-0110/13	Ogemaw County Board of Commissioners	\$ 180,000
2.	2017-0120/16	Roscommon County Transportation Authority	\$1,050,000

3. *RAIL – Midwest States MOA Equipment Reimbursement Plan

Memorandum of Agreement (MOA) (2021-0851) between MDOT, the Illinois Department of Transportation (IDOT), the Wisconsin Department of Transportation, and the Missouri Department of Transportation will set forth the terms and conditions of sharing in the equipment costs related to fleet manager expenses, equipment modifications, and overhauls for Midwest-owned passenger rail equipment. The MOA will allow IDOT, as the lead agency in the Midwest equipment procurement, to accept funds from the other states and pay vendors on behalf of the other states through its contractual relationships. A portion of the funds, \$4,503,014.94, will be retroactive to cover costs associated with the procurement dating back to September 2017, due to IDOT's need to create a mechanism and pass legislation to accept funds from the other states. The MOA will be in effect from September 1, 2017, until the last obligation between the parties has been fulfilled. The MOA amount will be \$10,040,405.82. Source of Funds: FY 2021 State Restricted Comprehensive Transportation Funds - \$7,540,405.82; FY 2022 State Restricted Comprehensive Transportation Funds - \$2,500,000.

* Denotes a non-standard contract/amendment

4. *RAIL – Design Review for US-131 Bridge Replacements

Contract (2021-87) between MDOT and the National Railroad Passenger Corporation (Amtrak) will provide for design and construction of two bridges over US-131 northbound and southbound over KL Avenue and Michigan Line - V/IL/TA/BO/STY/CL/BRG are above Amtrak's property and operation at a road mile of M-1 (US-131 southbound) 147.56 (US-131 southbound). The contract will be completed by or before December 31, 2022. The contract amount will be \$402,300. Source of Funds: State Restricted Link Le Funds - \$402,300.

Upon receipt of your approval, the contracts and agreements will be processed for award. Subject to the exercise of the discretion in the processing, I approve the contracts described in this agenda and authorize the award by the responsible management staff of MDOT to the extent authorized by and in accordance with the December 14, 1983, resolution of the State Transportation Commission and the Director's delegation memorandum of April 7, 2021.

Respectfully submitted,

Paul C. Ajegba
Director